

### **REMARKS**

Claims 1, 3, 5-9, 11-14, 18, 20-21, 23 and 27-34 are pending in the application. Claims 1, 3, 5-9, 11-14, 18-21, 23, and 27-34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Wiggins (U.S. Patent No. 5,717,604) in view of Hoyer et al. (U.S. Patent No. 6,236,361).

To establish a prima facie case for obviousness under 35 U.S.C. § 103(a), (1) there must be some suggestion or motivation to combine reference teachings. (2) There must be a reasonable expectation of success. (3) The references when combined must teach or suggest all the claim limitations. For the reasons discussed below, it is respectfully submitted that the Office has not established a prima facie case under 35 U.S.C. § 103 (a) for claims 1, 3, 5-9, 11-14, 18, 20-21, 23 and 27-34 , and that therefore, claims 1, 3, 5-9, 11-14, 18-21, 23, and 27-34 are allowable.

The Applicants' claimed invention is directed to network management requests, such as, Simple Network Management Protocol (SNMP) requests which are requests to retrieve or modify objects (information stored in a predefined format, for example, text strings, counter values) stored in a managed element (for example, router, terminal server, switch). The SNMP requests received by the managed element are prioritized by the managed element based on a user identifier in a network management message wrapper included in each request. (*See Applicants' Specification Page 7, line 24 - Page 8, line 9.*) The user identifier identifies the user of an application from which the request was sent. (*See Applicants' Specification Fig. 3 and Page 7, lines 7-16.*) The network management request is scheduled by the managed element dependent on the assigned priority value.

The Applicants disclosed management station (108) communicates over the network with a managed element (112). A network management request (300) including a network management wrapper (302) is received by the managed element 112. The network management request is added to the pending Q (510) or the active Q (508) in the managed element 112 based on priority included in the network management wrapper.

The cited prior art, Wiggins is directed to an algorithm (network monitoring system) for monitoring the use of applications subject to a licensing restriction. The algorithm is executed by a microprocessor of a multitasking PC ( *See Fig. 3, microprocessor 40, PC 22, Col. 12, lines 49-*

50.) The algorithm optimizes the use of licenses in a shared license pool stored in a server 20 connected to the network. The PC is connected to a network and shares applications subject to a license with other PCs that are also connected to the network. The algorithm installs the application on the PC and allows the PC to connect and disconnect to application services provided by a server or service provider (*See* Col. 12, lines 27-29). The algorithm (network management system) is stored in memory and executed by a microprocessor in a computer (PC). A license recovering procedure of the network monitoring system monitors an application execution in the PC. (*See* Col 12, lines 20-56; Col. 14, lines 11-42; Fig. 7.)

A single file (license compliance file) storing information regarding licenses is shared by all of the PCs. In addition to keeping track of the number of licenses currently in use for a particular application, the algorithm also tracks the priority of the users currently assigned licenses for the application. The only communications over a network are requests to download copies of applications to PCs or to modify the licence compliance file (if stored on the server.)

The cited prior art Hoyer is directed to the use of performance data to calculate web site capacity. The performance data (bit rate, response time and CPU utilization) is stored in a MIB and retrieved using the standard SNMP protocol. (*See* Col. 8, lines 41-57.)

The applicants respectfully disagree with the Office's suggestion that every network device discussed by Wiggins suggests the applicants' disclosed "managed element". Wiggins is not directed to network management and merely uses the term "network" to describe a computer program (algorithm) that is executed in a PC to manage a licence pool shared by PCs connected to a network. Wiggins is directed to non-analogous art. To rely on a reference under 35 U.S.C. 103(a), the reference must be analogous prior art or be reasonably pertinent to the problem which the invention is concerned. (*See* MPEP 2141.01(a)). Wiggins is not directed to prioritizing a network management request sent by a management station to a managed element and therefore does not even suggest a "network management request". Thus, one skilled in the art of network management would not look to Wiggins for prioritizing a network management request sent by a management station to a managed element.

Wiggins merely discusses an algorithm executed in a computer (PC) for optimizing use of licences in a shared license pool. There is no teaching or suggestion of a network management

request sent from a management station to a managed element. Wiggins' network monitoring system (algorithm) grants a license to use an application based on a user's pre-defined priority and monitors activity of applications to determine if the application can be closed for inactivity and the license returned for use by another user.

As shown in Fig. 3 of Wiggins, the PC includes a microprocessor (40) and memory (44) and is connected by a LAN/WAN to a local server (20) and a service provider (36). Each PC that is connected to the LAN/WAN can manage access to applications for its associated users through the use of the network monitoring system (algorithm) stored in memory (44) and executed by the microprocessor (40) of the PC. (*See* Col. 12, lines 49-50. ) The network monitoring system optimizes use of licenses in a shared license pool by tracking, billing and recovering licenses to use applications. A user operating the PC can only open an application if there is an available license. The network monitoring system includes a license recovering procedure described in conjunction with Fig. 4 and Fig. 5, an .INI file (*see* Col. 8, line 58 -Col. 11, line 52) that specifies the path to the application and a path to a license compliance file (WhoFile), a real time billing procedure described in conjunction with Fig. 6 and a priority license procedure described in conjunction with Fig. 7.

All monitoring of the shared license pool is performed by the network monitoring system which executes in the PC in which the applications associated with the licenses in the license pool are being executed. A license compliance file (whoFile) which may be stored on the server or the PC keeps track of the number of users currently using an application.

In contrast to the cited prior art, the Applicants' claimed invention assigns a priority value "to the received network management request, the priority value assigned by the managed element dependent upon a user identifier in a network management wrapper included in the request, the user identifier identifying the user of an application from which the request is being sent" as claimed by the Applicants in base Claims 1, 18, 27, 28, 29 and 30.

Wiggins does not teach or suggest the Applicants' claimed "assigning a priority value to the received network management request, the priority value assigned by the managed element dependent upon a user identifier stored in a network management wrapper included in the request". In contrast, a request to use an application received from a user is processed as it is

received with the user receiving a license based on the number of licenses available and the user's priority.

Wiggins does not teach or suggest the applicants' disclosed "scheduling a network management request dependent on the assigned priority value." As previously discussed, Wiggins does not even teach or suggest "a network management request". Wiggins merely discusses assigning licenses to users. Wiggins does not even teach or suggest scheduling a request from a user for access to an application. Wiggins merely discusses defining priority by a network operator for a user. (*See* Col. 14, lines 33-35.) The pre-defined priority is stored in a data structure associated with the license recovering procedure which is part of the network monitoring system. A request to use an application received from a user is processed (granted or denied) immediately as it is received based on the number of licenses available and the pre-defined priority. If the request is denied, the request is dropped, that is, not scheduled for processing. If the request is granted, access by the other user is terminated, that is, not scheduled for processing

Furthermore, applicants respectfully disagree with the Office's suggestion that Wiggins teaches the applicants' disclosed "adding a priority value to an authentication group comprising a plurality of users, in an authentication table". The applicants' disclosed invention allows a managed element to assign a priority to received network management requests based on a user identifier included in a network management wrapper included in the request and to schedule the request, dependent on the assigned priority value. Wiggins merely discusses a data structure which stores a priority value that has been defined by a network operator to each user. (*See* col 14, lines 33-35.) Wiggins' data structure does not teach or suggest assigning a priority value to an authentication group by a managed element. In contrast, Wiggins merely discusses an algorithm which monitors use of applications, so that licenses to use the application are assigned to the user with the highest priority. (*See* Col. 12, lines 32-56.)

The Office must read the Claims very broadly to suggest that the Applicants' claimed "managed element" which assigns a priority value to a received management request and schedules the request dependent on the assigned value could be equivalent to any network device discussed by Wiggins. As previously discussed, Wiggins' application service provider does not

receive a network management request and therefore does not teach or suggest assigning priority to the network management request or scheduling the network management request dependent on assigned priority. The service provider merely stores a license compliance file that is shared by a plurality of PCs. Wiggins merely discusses pre-defining priority for the user by a network operator. Wiggins' application service provider is therefore not equivalent to the claimed managed element.

Thus, the Office has not established a prima facie case under 35 U.S.C. § 103 (a) because (1) there is no suggestion or motivation to combine reference teachings (Wiggins and Hoyer) and (2) even if combined, Wiggins and Hoyer do not teach or suggest all the claim limitations as discussed above.

Neither of the references is directed to prioritizing a received network management request by a managed element in a network. As previously discussed, Wiggins is non-analogous prior art that is directed to monitoring the use of user applications subject to a license restriction by granting or denying licenses to users based on a user's pre-defined priority and availability of licences. Hoyer is directed to the use of SNMP to retrieve performance data stored in a MIB. There is no discussion in Hoyer of prioritizing requests for retrieving the performance data stored in the MIB.

Furthermore, the failure of others to discuss assigning a priority value to the received network management request by the managed element is a secondary indication of non-obviousness. (*Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966)).

The patentably distinguishing language reads in pertinent part:

“upon receiving the network management request, assigning a priority value to the received network management request, the priority value assigned by the managed element dependent upon a user identifier in a message wrapper included in the request, the user identifier identifying the user of an application from which the request was sent”

The above quoted claim language is in base Claims 1, 18, 27, 28, 29 and 30.

As base Claims 1, 18, 27, 28, 29 and 30 recite novel subject matter, each of the dependent

claims are also novel over Wiggins. The dependent claims also recite additional patentable limitations. Such limitations further distinguish the claimed invention and are not taught or suggested by Wiggins.

Claims 3, 20, and 33 recite that the priority value is added to “an authentication group comprising a plurality of users, in an authentication table”. Wiggins does not discuss an authentication group or table. Wiggins merely discusses storing user identifiers and user priority for each user that is currently using the application so that licenses are given to users having the highest priority.

Claims 5, 21, 23, and 24 recite “determining the priority value by using the extracted user identifier to index the authentication table”. Wiggins does not discuss using the user identifier to determine the priority value. In contrast, Wiggins stores a priority value for the user.

Claims 6 and 11 recite “selecting the order of execution of the network management request dependent on the determined priority value”. Wiggins does not select the order of execution of requests from users to use an application. Wiggins merely allows execution of the application by the user, if there is an available license and denies or allows access based on priority if all licenses are currently being used. Thus, there is no order of execution of requests to execute an application.

Claims 8-9 and 13-14 recite “adding the management request to ... a request queue”. The management request is added to the top or the bottom of the request queue dependent on the priority assigned to the management request. Wiggins does not discuss queuing of requests to use an application, if no license is currently available, access is denied. (*See* Col. 14, lines 28-30; Fig. 7, steps 318, 320.)

Claim 30 recites “the message is in the form of a Simple Network Management Request”. Wiggins does not discuss Simple Network Management Requests and Hoyer does not discuss processing of Simple Network Management Requests by a managed element.

Therefore, separately or in combination, Wiggins and Hoyer do not teach or suggest the Applicants' claimed invention. Thus, none of the cited prior art alone or in combination teaches or suggests the Applicants' claimed method for prioritizing a network management request. Accordingly, the present invention as now claimed is not believed to be anticipated or made

obvious by the cited art or any of the prior art. In view of the foregoing, removal of the rejection under 35 U.S.C. § 103(a) and acceptance of Claims 1, 3, 5-9, 11-14, 18, 20-21, 23 and 27-34 are respectively requested.

Information Disclosure Statement

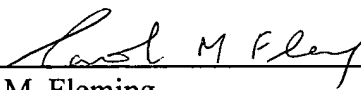
An Information Disclosure Statement (IDS) is being filed concurrently herewith. Entry of the IDS is respectfully requested.

**CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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